

ANSWER INSISTS ALL ROAD WORKS CONFORM TO LAW

Nothing Paid for Out of General Fund Other Than Legal Repairs and Betterments

That the maintenance, repairs and betterments on certain Honolulu streets is not in violation of the law restricting the use of the general funds for road work, other than maintenance and repairs, is the contention of the city in an answer filed in circuit court today to an injunction suit brought by Raymond C. Brown, acting for citizens and taxpayers of Manoa.

The respondents deny absolutely that such work as was done was so akin to "original construction" that it should have been done under the franchise tax law.

A temporary injunction issued by Circuit Judge Stuart is holding up street work in three separate sections of Honolulu. The original complaint alleged that the work being done was in excess of maintenance and repair and that it was not in conformity with sections 1873 and 1815 of the revised laws of 1915, as amended by act 16 of the session laws of 1915.

As reported recently in the Star-Bulletin, it is the intention of the city and county supervisors and other respondents to make a test case of the hearing, with a view to interpreting the statute to the extent of what does and what does not constitute maintenance and repairs in road work.

The answer of the respondents admits that the city and county, through its proper officials, improved and caused to be improved certain portions of the streets in the city and county, but denies that such improvements were done under a "pretense of maintaining" the portions of streets it is alleged that the work constituted proper and necessary repairs and maintenance of the streets.

It is further denied in the answer that the repair of the streets or portions thereof was made in the manner alleged in the complaint.

Work Not Permanent. The road work done was not permanent, but was in the nature of repair work, the answer alleges, and was necessary for the purpose of rendering the streets passable, serviceable and efficient, and was done for these purposes alone.

Respondents further aver that the work so done is the work complained of by the petitioner in his complaint, says the answer, "and that no other or different work has been done by the respondents, or by the city and county of Honolulu, in or upon the streets or portions thereof, named in said complaint."

The respondents admit that it is the intention of the proper officers of the city and county to proceed to repair the streets in manner and form set forth and alleged in the answer and to pay for such repair work and maintenance out of the general funds of the city and county.

It is denied that the road work constitutes betterments or improvements, except as set forth in the answer.

The answer continues, in part, as follows: "Respondents deny that the improvement of said streets or portions thereof was made or done in the manner set forth and described in paragraph 4 of said petition."

"And in this behalf respondents allege and aver that on 28 feet of the 40-foot wide roadway of Queen street from the Nuuanu stream to the present road the respondent, the city and county of Honolulu as aforesaid, did certain road work in manner following:

"The said portion of Queen street was scarified, shaped and rolled and crushed rock then laid thereon to the original grade of said street, which said rock was bound with asphalt. That the work so done on said street was in all respects the same as the work done when the said street was constructed in 1904, and the grade thereof approximately the same as the grade of said street when so constructed in 1904, except that in the original construction of said street the surfacing of crushed rock was water-bound instead of being bound with asphalt."

"That 32 feet of the 36 feet wide roadway of the street extending from Queen street to said Pier 16 and known as the approach to the Hackfeld Wharf was repaired in the same manner as the portion of Queen street and that the grade was not raised, but was made to conform with the proper and established grade."

"That the aforesaid streets and portions thereof had been built and constructed in 1904 and that thereafter no proper and sufficient maintenance had been made or had, and that the surface had been worn by traffic and eroded by the elements, and that by nature of the composition of the land wherein said streets were constructed the said streets had settled; that in order to render the same serviceable and efficient, it became necessary to repair the said streets, and such repair work was done in manner and form as hereinbefore set forth."

"And as to the improvement of road work done on Beretania street, respondents allege and aver as follows:

"That such road work or improvement was done upon certain portions of Beretania street between the junction of Beretania and King streets and the intersection of McCully street with Beretania street, a distance of approximately 360 feet."

"That extending along Beretania street from the junction of King and Beretania streets west for a distance

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SIXTY-FIVE MEN FILE FOR CIVIL SERVICE EXAMS.

Four Positions to Be Filled in Police Department; Must Man New Fire Engines

The creating of the four new traffic officers' positions leaves many vacancies in the police department and these will be filled at a civil service examination on August 26. An eligible list for positions in the fire department will be established at the same examination, and three new fire engines recently ordered by the city will make necessary an addition of several firemen to the city payroll.

Soon after the examination is held the four highest rated applicants on the police eligible list will be given positions as patrolmen, to take the place of four of the several traffic officers, who were recently promoted from the "beats." Others will be put to work according to the vacancies which occur in the police department.

It is likely that the crews of the three new fire engines will be made up of men promoted from those who have done service with the horse apparatus, but the manning of the new engines will leave several vacancies on the horse outfits and these will be filled from the top of the new eligible civil service list of the fire department.

According to Deputy City and County Clerk Henry Van Gieson, both the police and the fire department eligible lists are exhausted. Applicants for the examination can obtain blanks at the county clerk's office, McIntyre building, Fort and King streets, any time between 8:30 o'clock and 4:30 o'clock daily. These applications must be filed at the same office not later than Tuesday afternoon, August 24, at 4 o'clock.

All applicants must take the physical examination and pass as physically fit before they will be allowed to take the written test. This preliminary examination will be held at Beretania gymnasium, King street, near Alahe, at 5 o'clock Wednesday afternoon, August 25. The written test will be held the following evening, starting at 7:30 o'clock in McKinley high school.

About 65 candidates for the examination had filed up to today. This included men of various nationalities, all American citizens, and among the number was a sailor of the United States coast guard cutter Thetis, W. T. Kauriwi, and an enlisted man of Fort Ruger, Melvin L. Starkey.

DRIVE ON PIER COST 31-CENTS PER FOOT

Driving upon Pier 16 a distance of 16 feet cost Joseph E. Sheedy, general superintendent of the Inter-Island Steam Navigation Company, and John Grace of Dillingham & Company just 31 cents a foot each today.

This morning in police court both prominent Honoluluans were fined \$5 each by Police Judge J. M. Monsarrat. Their standing was recognized in that they were among the first of the morning's "trial" to be given a hearing.

Mr. Sheedy acknowledged he had driven his auto 16 feet under the shed when arrested. To drive an automobile upon any pier is a violation of a rule made by the board of harbor commissioners.

HAWAII SENDS EIGHTY FOR FLOOD SUFFERERS

Wong Chow of the Yee Wo Chan company announces subscriptions for flood relief received this morning from the island of Hawaii to the amount of \$80. This sum includes \$25 from Mrs. James Wright and \$25 from Mr. and Mrs. H. R. Bryant, both of whom live in Kohala. C. Brewer & Company's plantation at Hakala has sent \$25 through J. M. Ross, and L. Chin Chan of Hakala has sent \$50.

Today's subscriptions have brought the total for the week collected by the Chinese Merchants' Association up to \$154, which added to the \$287 already on hand makes \$441. Mr. Wong Chow thinks that about \$160 will be collected next week, at the end of which time the money will be cabled to China.

"As far as freight is concerned," says Mr. Waldron, "the merchants have no reason to complain, and should be well satisfied with both the service and the reasonable rates covering it at present."

LITTLE INTERVIEWS

—A. L. MACKAYE: "A steamer line between here and Los Angeles, would be one of the most sensible routes that could be established from the coast. By it the tourists who now journey to California would be induced to come to Honolulu rather than to San Francisco at the end of their Los Angeles stay."

of 270 feet the said street was given a top dressing of quarry waste to fill up the holes in said street and level the surface thereof, and then the same was rolled until the surface was smooth and uniform."

"That extending along said Beretania street east from said intersection of McCully street, work was done and performed for a distance of 380 feet in the same manner as just hereinbefore set forth."

"That said street had not theretofore been properly and sufficiently maintained and by reason of such neglect it became necessary, in order to render the same serviceable and efficient, to repair the portions thereof above named, but the same was made to conform with the grade of the roadway as the same was previously constituted and constructed."

BIG WATER PLAN HELD PRACTICAL BY J. H. HOWLAND

(Continued from page one)

in and around the Waiahole and Waiehe gulches.

Pure Water a Boon. It is nothing short of a revelation to traverse the completed portions of the main tunnel at Waiahole and observe the innumerable jets of clear sparkling water pouring through the top and sides and flowing at rates estimated at fifteen and twenty-four million gallons per 24 hours, from the north and south portals respectively.

I first thought of the scores of cities that I had visited on the mainland that would scramble for an opportunity to issue the necessary bonds to develop an adequate and reliable supply of absolutely pure water, elevated nearly 700 feet above and within a radius of anything like 10 miles of the business centers or congested water districts of those municipalities.

Prominent among the aims and purposes of the National Board of Fire Underwriters are the following:

To secure adequate water supplies with improved systems of distribution; efficient organization and modern equipment of fire departments, as well as other fire protective measures; and to encourage the adoption of its building code providing for improved and safe methods of construction with a view to reducing the enormous fire waste throughout the United States.

Of these features of protection, the first, namely, an adequate water supply, is of paramount importance.

Gravity System Preferable. It is recognized that a so-called gravity system, i. e., one delivering the supply directly to the city from the source without the use of pumps, has the distinct advantage of possessing the highest measure of reliability and is preferable from a fire protection viewpoint to that of any other type.

The local board of fire underwriters who have jurisdiction with reference to the determination of fire insurance rates in these islands could doubtless furnish valuable information as to the saving that would be realized by the substitution of the present pumping system of water supply with that of a purely gravity system.

With ample water at the 700-foot elevation within 10 miles of Honolulu ideal pressures could be readily and continuously maintained on all parts of the distribution system, so as to do away with the necessity of maintaining in regular service steam or automobile pumping engines in the fire department; the saving that might be realized by putting your fire engines in reserve could be closely estimated by referring to the records of the fire department.

Separate High-Pressure System Unwise.

In one of the water department reports I noted a chapter devoted to a discussion of a proposed separate high pressure fire system for the congested value district of Honolulu; it has been conclusively shown that only a few of our largest cities are justified in burdening themselves with the overhead expenses necessary to maintain such a system and it would be a short-sighted policy for the city of Honolulu to consider expending any money in that direction, particularly in view of the possibilities of obtaining sufficient pressure for direct hydrant streams so as to embody practically all of the advantages of a separate high pressure system.

With the very limited time at my disposal, it is impossible for me to go into the detail that so important a subject deserves, but in my opinion a gravity supply for the city of Honolulu, in sufficient quantity and of such quality as is being developed in the Waiahole tunnel would prove commercially invaluable not only from a fire protection standpoint, but as contributing materially to the improved health and business progress of this community and I do not hesitate to express an opinion that the advantages to be derived from such a supply would justify the expenditure of fully \$1,500,000.

Some Possible Figures. I understand that Oahu plantation is now getting the benefit of approximately 15,000,000 gallons of water from the south portal of the Waiahole tunnel, all of which is available for use on the upper irrigating levels, where the cost of pumping has been roughly, \$20 per million. Fifteen million at \$20 for say 300 days would represent an annual saving of \$90,000; deduct \$15,000 as a sinking fund and the remainder would be equivalent to 5 per cent on \$1,500,000. Rather an interesting business proposition to say nothing of the advantages to be derived from the superior quality of the water as compared with that derived from artesian sources.

My attention was called to the possibilities of developing a similar supply to that of Waiahole at the head of Waiehe alupua; while the time devoted to looking over the surface conditions was far less than I would have liked, I am satisfied that from general appearances the prospects at Waiehe are fully as favorable for purposes of development as at Waiahole, which of itself forces me to be an advocate of at least a thorough investigation of the possibilities.

Tunnel Water Best.

Tunnel water at the proper elevation is so far ahead of any surface waters, which must to some extent at least carry in suspension impurities from algae or other vegetable growths and often times becomes contaminated from other and more dangerous sources, that the appointment of a special commission by the mayor and supervisors to investigate and report as to the possibilities of obtaining an improved water supply should receive the support and

cooperation of every citizen in Honolulu.

Discussions are helpful. Fair minded discussions as have appeared in the papers cannot be other than helpful and everyone who is in a position to express any views that are relevant to so important a subject should contribute.

It seems to me most improbable that where, as we all know, there are billions of gallons of fresh water pouring into the sea along our shore line daily, in addition to an enormous aggregate pumpage from wells near sea level, that merely aiding the more rapid descent of so small a body of water from a thread-like strip of volcanic static level of the artesian effect, the static level of the artesian water even in the slightest and at least not to any perceptible extent. A point that has been brought out that is worthy of careful consideration and justifies the keeping of continuous records, is that of reduced flow in tunnel development, due to relieving the water formerly retarded in its descent through the rock formation above.

That such flows would show some falling off in the continuous yield I feel quite certain, but with such a tremendous rainfall and enormous sponge to draw from, I am inclined to believe that the falling off in the initial flow would not be of long duration or of sufficiently large proportions to discourage at least very exhaustive investigations.

Approves Water Commission.

I firmly believe that the sum of \$20,000 judiciously expended in the right sort of investigation could not be used to any better advantage in the interests of the taxpayers, and it is a much appreciated privilege that I take this opportunity of congratulating the mayor and supervisors upon valuable service rendered by appointing a special water commission composed of capable and efficient members for the purpose of investigating and reporting upon the feasibility of obtaining an adequate and reliable gravity supply of pure spring or tunnel water for this most attractive city.

May the necessary support and cooperation be such as to proceed with the work of investigation without delay and prove sufficiently encouraging, so that it won't be long before Honolulu's public water supply will, like many other of its improvements, compare favorably with any of our mainland cities.

Very respectfully yours,
J. H. HOWLAND,
76 William St., New York City, N. Y.

L. O. HOWARD, chief of the bureau of entomology, will arrive in Honolulu, August 17, to make an investigation of the local federal station.

Federal court adjourned today sine die; that is, with no day for reopening fixed by the judge.

BY AUTHORITY.

SEALED TENDERS. Sealed tenders will be received up to 12 o'clock noon on Tuesday, October 5, 1915, at the office of the City and County Clerk, Room No. 8, McIntyre building, for furnishing the City and County of Honolulu with one Tangential Water Wheel Unit, Governor, Indicating Instruments, Gate Valves and Pipe Fittings and one Generator, Switchboards and Instruments, one Direct Current Exciter and Rheostats.

Plans, specifications and form of proposal may be had upon application and a deposit of Five (\$5.00) Dollars at the office of the City and County Clerk.

A certified check or a certificate of deposit on a bank doing business in the Territory of Hawaii, representing 10 per cent of the total amount bid submitted must accompany proposal.

The Board of Supervisors reserves the right to reject any and all tenders.

D. KALAUOKALANI, JR.,
Clerk, City and County of Honolulu,
6233-Aug. 4, 5, 6, 7, 9, 10, 11, 12, 13, 14.

NOTICE.

Paving of Lusitana Street.

There will be a meeting held in the office of the Superintendent of Public Works, Honolulu, T. H., at 11:30 a. m., Monday, August 16, 1915, to discuss the paving of Lusitana street as proposed by the Superintendent of Public Works and the City and County of Honolulu.

All persons and officials interested in this proposed paving are requested to be present at this meeting.

CHARLES R. FORBES,
Superintendent of Public Works.
6241-21

NOTICE.

The Honolulu Civil Service Commission will hold a general competitive and classified examination at the McKinley High School, corner of Beretania and Victoria streets, Honolulu, on Thursday, August 26, 1915, at 7:30 p. m., for United States citizens desiring positions in the Honolulu Fire Department and the Police Department of the City and County of Honolulu, said examinations to be held under the rules and regulations of said Commission for the following positions:

General entry examination for the Fire Department.

Mounted patrolmen, foot patrolmen (including country officers and guards), traffic officers and sub-station officers for the Police Department.

Application and medical certificate blanks can be obtained at the office of the City and County Clerk, McIntyre building, corner of Fort and King streets, same must be filed with said City and County Clerk not later than 4 p. m., Tuesday, August 24, 1915.

All applicants must call at Baron's Gymnasium, King street, on Wednesday, August 25, 1915, at 5 p. m., for physical and muscular test.

By order of
HONOLULU CIVIL SERVICE
COMMISSION
D. KALAUOKALANI, JR.,
Secretary.
6233-121

NOTICE OF REDEMPTION OF BONDS OF THE MUTUAL TELEPHONE COMPANY.

The Mutual Telephone Company will redeem all of its present outstanding bonds on October 1, 1915, by the payment of the principal thereof and the interest thereon to said date, at the office of the Hawaiian Trust Company, Limited, in Honolulu. All of said bonds will cease to bear interest on said date, and all holders thereof are requested to present the same for such redemption at said office on said date.

Said bonds comprise 250 bonds of the denomination of \$100.00 each, numbered from 226 to 475, both numbers included; and 175 bonds of the denomination of \$100.00 each, bearing the following numbers: 1-14, 16, 18-22, 24-26, 30-42, 44-54, 56, 57, 59-62, 64-81, 84-87, 89-92, 94-105, 107-113, 115, 117-121, 124, 125, 130-142, 144-148, 157-162, 164-173, 178-190, 192-197, 207, 208, 210-212, 214-219, 221-225.

Honolulu, August 12, 1915.
MUTUAL TELEPHONE COMPANY.
By J. A. BALCH,
Treasurer.

6242-Aug. 14, 28, Sept. 4, 11, 18, 25, 30.

IN THE CIRCUIT COURT OF THE First Circuit, Territory of Hawaii. Notice of hearing petition for probate of will.

In the matter of the estate of Mrs. Caroline Clark of Honolulu, City and County of Honolulu, deceased.

A document purporting to be the last will and testament of Mrs. Caroline Clark, deceased, having on the 14th day of August, A. D. 1915, been presented to said probate court, and a petition for probate thereof, praying for the issuance of letters testamentary to Henry Smith having been filed:

It is ordered, that Thursday, the 16th day of September, A. D. 1915, at 9 o'clock a. m., of said day, at the court room of said court in the Judiciary building in the City and County of Honolulu, be and the same is hereby appointed the time and place for proving said will and hearing said application.

Dated Honolulu, August 14, 1915.
By the court,
JOHN MARCALLINO,
Clerk.

E. C. Peters, attorney for petitioner.
6242-Aug. 14, 21, 28, Sept. 4.

FIRE-PROOF

STORAGE

WE STORE EVERYTHING.

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CITY TRANSFER COMPANY

PHONE 1281

MARYLAND WILL NOT BE ANCHORED OUTSIDE HARBOR

The cruiser Maryland will remain inside the harbor and not be anchored outside as was announced yesterday. This is good news for everyone aboard, Honolulu holding attractions which mean frequent liberty, which would be sadly interfered with if the cruiser lay at anchor outside.

Yesterday afternoon it was believed that the quarantine dock, where the cruiser is berthed, would be needed and as there was no room at the naval wharves, plans were made to move the Maryland outside. Later an arrangement was reached whereby the cruiser will remain at her present berth until Wednesday when she will dock at the navy wharf. By that time it is figured that the pontoons and much of the

Love's Bakery

salvage gear will have been moved away.

There was plenty of activity around the waterfront this morning and work is being rushed to start raising the sunken submarine F-4. However, there is considerable preparatory work to be done now that all the gear is on hand and it will be several days before the salvage pontoons are towed in place. In the meantime the mooring buoys have to be carefully anchored and six chains placed under the submarine. This latter work will be done by Divers Agass and Evans who will necessarily cut a large figure in the salvage operations.

D. Nakashiwa thought the grounds of Charles F. Loomis' residence would be a good place to spend the night. Mr. Loomis' thought otherwise, and had the Japanese arrested. Nakashiwa will explain to the judge Monday morning.

Holeproof Hosiery

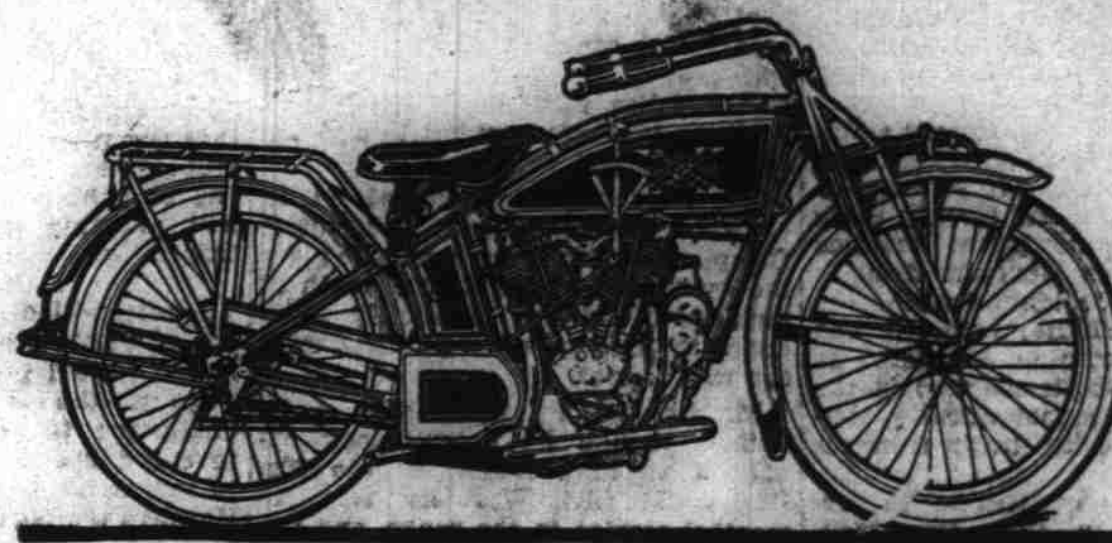
The original guaranteed hose. Six pairs for \$1.50 and if they wear into holes within six months you get new ones free.

THE HUB,

Hotel Ewa of Fort

EXCELSIOR AUTO-CYCLES

The Zenith of Motorcycle Quality



THREE-SPEED EXCELSIOR—\$300, HONOLULU.

A Motorcycle is only as good as the motor and this motor has repeatedly proven the fastest, most powerful, and reliable engine ever put in a Motorcycle.

WORLD'S RECORDS.

Made by Bob Perry on an Excelsior.

1 mile, 36 seconds.	10 miles, 6:18.
2 miles, 1:12 4-5.	50 miles, 33:55 1/2.
3 miles, 1:50 3-5.	75 miles, 50:55 2-5.
5 miles, 3:07 3-5.	100 miles, 68:01 4-5.

Excelsiors with High Test Motors will be in stock September 1st.

Prices: Three Speed, \$300;
Single Speed, \$250;
Electric Equipment, \$40 Extra

Complete Stock on Hand.

Schuman Carriage Co., Ltd.,
Agents
Honolulu